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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 April 1997, at 10 a.m

Chairman:	Mr. SOMOL	(Czech Republic)
later:	Mr. STROHAL	(Austria)
later:	Mr. SOMOL	(Czech Republic)

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The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

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1. The CHAIRMAN said that consultations were continuing within the regional groups on whether China should be allowed to make a second statement under agenda item 10.

2. Ms. GHOSE (India) said that to refuse a delegation the right to take the floor would be unfortunate.

3. Mr. de ICAZA (Mexico), speaking on a point of order, asked for the meeting to be suspended; under rule 42 of the rules of procedure, the Chairman should take an immediate decision on the matter.

4. The meeting was suspended at 10.50 a.m. and resumed at 11 a.m.

5. The CHAIRMAN announced that, following the consultations within the regional groups, it had been decided, exceptionally, to allow China to make a second statement.

6. Mr. WANG Guangya (China) said that his Government was concerned at the situation in Cyprus. The resolutions of the General Assembly and the Security Council calling for respect for the independence, sovereignty, territorial integrity and status of Cyprus as a non-aligned State should be implemented without further delay. That would not only meet the expectations of Cypriots but would also contribute to ensuring stability, peace and development in the region. In that connection, China wholeheartedly supported the Secretary-General's efforts at mediation.

7. DATO'HISHAMMUDIN TUN HUSSEIN (Malaysia) said that human rights were being perverted and stripped of their universality and inalienability by certain countries, which were using them as a political weapon against their adversaries. By castigating countries for being slow in effecting social reforms, the North was displaying total disdain towards States that had struggled for many years to regain their liberty and human dignity, of which they had been dispossessed by the very countries now accusing them. It was with good reason that the lectures of the developed world aroused scepticism, coming as they did from countries that applied double standards based on their own interests or bias - for example, by condemning Myanmar while coddling Israel. The passivity of the European nations in the face of the genocide committed on their doorstep in Bosnia had torn away the last shreds of moral authority which the West had arrogated to itself. The establishment of

sustainable democracy required a certain amount of time to create or strengthen institutions and change attitudes. Abrupt transplants never worked. It should be remembered that it had taken the United States almost 100 years after the Declaration of Independence to abolish slavery and still another 100 years to prohibit racial segregation in schools. Furthermore, a belief in universal values did not mean that respect for the diversity of other notions and priorities of human rights should be forgotten. Many Western nations, incapable of recognizing their own inadequacies, allowed themselves to lecture others on drug trafficking, global warming and individual freedoms while ignoring the social consequences, in terms of drug addiction, pollution and decadence, of the values they were promoting. The recent trend towards making aid contingent upon human rights and democracy had further sharpened the North-South controversy.

8. Extreme care should therefore be exercised in developing Western notions of democracy and human rights in tradition-bound societies. It was for the people themselves to decide whether and how to implement reforms. The international community should intervene only in countries where the people's aspirations for democracy were being repressed by the authorities. South Africa was an example of how effective popular movements could be when they enjoyed international support.

9. The inability of the international community to guarantee the most basic of rights - the right to security and to live free of fear - as in the Great Lakes region of Africa and in the former Yugoslavia, should prompt it to reflect on the whole human rights debate.

10. With respect to Bosnia and Herzegovina, he was greatly concerned that the perpetrators of some of the worst crimes were still at large. Peace would falter if it was not accompanied by rapid reconstruction and rehabilitation measures. Ravaged by war, that country needed massive foreign aid to build housing and revitalize industry, to meet the pressing needs of returning refugees and displaced persons, and to create jobs for demobilized soldiers. The next donor conference should not be unnecessarily delayed.

11. In a world where States by and large still had to fend for themselves, given the problems they faced - poverty, disease, socio-economic inequities, scarcity of resources, corruption, abuse of authority and suppression of freedom, responsibility for advancing human rights rested above all with the State and its people. Except in cases of gross violations of human rights, the international community should encourage cooperation and persuasion, not confrontation and suspicion. In the words of the 1992 Human Development Report, "Democracy is a native plant - it may wilt under foreign pressure".

12. Ms. GHOSE (India) said that, in resolution 32/130, the General Assembly had decided that in approaching human rights questions within the United Nations system, the international community should accord priority to the search for solutions, a principle that had been reiterated in Vienna. However, the Commission seemed to have adopted an approach that was both adversarial and selective, as demonstrated by the calls to monitor, uncover and condemn human rights violations with a view to putting pressure on certain

Governments and embarrassing them. That approach was a source of acrimony and certainly did not lead to effective solutions to genuine problems. It most certainly did not lead to cooperation.

13. Member States and non-governmental organizations (NGOs) bore responsibility for the climate of distrust and antagonism which, whether reflected in North-South confrontation or in the cynical use of human rights for political ends, damaged the credibility and effectiveness of the Commission. The time had perhaps come to adopt another approach, one based not on allegations but on verified facts, and centred around persuasion. Monitoring mechanisms should be set up in consultation with the country concerned, mandated primarily to perform "good offices". It would be for the particular country to study the reports and recommendations of those mechanisms, take action, if necessary call upon the advisory services and technical cooperation programme of the Centre for Human Rights, and inform the Commission of the action taken.

14. While she supported the efforts of most of the special rapporteurs, she believed they should not only be fact-finders but should also play a "good offices" role on behalf of the Commission. It must be acknowledged that the mechanisms set up by the Commission did not always function and were sometimes perceived, depending on the political regime or culture concerned, as instruments of pressure to impose one system on another. The question why the mechanisms of other intergovernmental organizations appeared to be more acceptable and therefore more effective needed to be examined. The Commission's objective was to protect and promote human rights, and not the tools it had itself devised. Furthermore, as there was no country in the world that was completely free of human rights violations. Member States should not sit in judgement but should engage in some introspection and an exchange of experience about the different methods used to combat those universal problems.

15. It was in that spirit that she wished to inform the Commission of India's most recent efforts to protect human rights. Efforts currently under way in conjunction with representatives of civil society, including the press and NGOs, were aimed at extending the effective protection of the rule of law to all segments of society and all regions of a subcontinent that was as vast as it was diverse. Problems remained, some of which had been aired before the Commission because of the outbreaks of violence to which they had given rise. Her delegation believed that political extremism had no place in a democracy. Nonetheless, India was endeavouring to address the underlying causes of the problems through dialogue, a search for political solutions and increased efforts to achieve general economic development.

16. Her Government had initiated unconditional dialogue with militants in the north-east, while simultaneously announcing a multi-billion-rupee economic package for the region. In the Punjab, a state where a long period of external intervention had sustained a particularly ruthless wave of violence, democratic elections had been held and investments, both Indian and foreign, had started to flow in. Progress had also been made in Jammu and Kashmir as a result of the election of a democratic government. The elections had been held in response to the desire of the majority to exercise its right to self-determination. The security situation had already improved and

nearly 300 militants had surrendered their arms. At the same time, the state government had launched programmes for industrial and rural development and for the reintegration of former militants into civilian life. Her delegation believed that measures aimed at steering young people away from the path of violence, along with the strict supervision of the security forces engaged in combating militancy, would encourage respect for human rights and economic development. Her Government had never condoned any human rights violation committed by the security forces, as demonstrated by the information sent to the various subordinate bodies of the Commission, which contained details of the punishments meted out.

17. Her Government admitted that it still had a long way to go, especially since externally-financed armed militants were creating a particularly difficult climate by attacking innocent civilians. Violence, however, was a double-edged sword, which might some day be turned against those who wielded it. India was determined to achieve the noble objectives it had set itself in promoting and protecting human rights; Pakistan would be well advised to do the same. As Dag Hammarskjöld had said, it was dangerous to believe that any individual, any nation or any ideology had a monopoly on rightness, liberty and human dignity.

18. Mr. Strohal (Austria) took the Chair.

19. Mr. PAGUAGA FERNANDEZ (Nicaragua), quoting an African poet, said that "there is something abominable in silence". In the face of the systematic violations of human rights in Cuba, it would be unpardonable to remain silent. He accordingly asked Mr. Zuñiga to present the situation of human rights in that country.

20. Mr. ZUÑIGA (Nicaragua) said that since 1975 the Commission had heard complaints of crimes committed by the Cuban Government throughout its 38-year reign.

21. Mr. FERNANDEZ (Cuba), speaking on a point of order, said it was disgraceful for the Commission to give the floor to Mr. Zuñiga, a notorious mercenary and terrorist.

22. Mr. PAGUAGA FERNANDEZ (Nicaragua) said it was unacceptable for such statements to be made against a member of a delegation.

23. The CHAIRMAN gave the floor to Mr. Zuñiga.

24. Mr. ZUÑIGA (Nicaragua) said that the Cuban Government had never responded to the many questions raised by the Working Group established under Commission resolution 1988/106 following its mission to Cuba (E/CN.4/1989/46).

25. In Cuba, in conformity with article 5 of the Constitution, the executive branch was in the hands of the Communist Party, and, consequently, of its supreme leader, Fidel Castro. As article 99 of the Constitution prohibited any change in the political, social and economic regime of the socialist State, what was involved was a legal, perpetual dictatorship.

26. As to the judicial branch, according to article 87 of the Constitution it was subordinate to the popular assemblies, which in turn reported to the Communist Party. The result was that the judiciary was also under the Party's control. That was why the Special Rapporteur on the human rights situation in Cuba had recently recommended that the Cuban authorities should implement reforms to ensure the independence of the judiciary.

27. The Penal Code listed all sorts of so-called offences with which political opponents or human rights activists could be charged. For example, Mr. José López Quintas, a university professor, had been found guilty of disseminating "enemy propaganda" and sentenced to five years in prison for sending the rector of the Central University a letter expressing his disagreement with the Government's policy. Since coming to power in 1959, the Cuban regime had established the death penalty. The number of prisoners who had been executed was kept secret; they were buried in common graves, whose location was not revealed to their families.

28. According to the National Cuban-American Foundation, since 1959 10,000 people had died as a result of the repression. That figure testified to the climate of terror in Cuba.

29. In October 1996, the Inter-American Commission on Human Rights had adopted resolution 47/96, in which it had condemned the Cuban Government for sinking the 13 de marzo tugboat with 72 persons on board, who had been attempting to flee Cuba. Forty of them had died, including 20 children. Nor was that an isolated incident. In 1992, seven people, including a 13-year-old boy, had been murdered in similar circumstances by coastguard vessel No. 554 (see E/CN.4/1993/39). On 24 February 1996, two civilian aircraft carrying out a sea search outside Cuban territorial waters, as had been confirmed by the International Civil Aviation Organization (ICAO), had been shot down and four persons had been killed.

30. Cuban citizens did not have access to the best hotels, beaches and restaurants of their own country. Unlike foreigners, they were not entitled to set up their own business. The salaries of Cubans working for foreign-owned companies were paid in dollars directly by the Government, which gave only a tiny percentage, in local currency, to the employees.

31. As to health, there were two systems of medical care. Only foreigners and elite members of the Communist Party had access to pharmacies and hospitals where the quality of care was as good as in the developed world. The rest of the population were faced with severe shortages of medicines and medical supplies.

32. The problem of Cuba was not one of political confrontation with the United States, but rather one between the Cuban people and the regime that was oppressing it and had done away with all its rights. If Castro's envoys only wanted to talk about the trade embargo, which they called a "blockade", it was in order to avoid having to answer for the atrocities committed by the regime, which would obviously never allow the Special Rapporteur to travel to Cuba.

33. Mr. AKRAM (Pakistan) said that his delegation agreed with the opinion expressed by the Secretary-General on 9 April that "gross violations of human rights invariably go hand-in-hand with situations which may threaten peace and security and are likely to degenerate into confrontation". That was the case, for example, in Bosnia and Herzegovina, where the peace agreements must be implemented and the war criminals brought before the International Tribunal in The Hague, and in Palestine, where the Israeli authorities must cease taking unilateral measures that threatened the peace process and must recognize the right of the Palestinian people to self-determination.

34. The Secretary-General had also said that in the field of preventive diplomacy, the United Nations had not been able to act every time it had been called for. That observation also applied to Jammu and Kashmir, where the savage repression by the Indian forces had already caused more than 50,000 victims, 99 per cent of them civilians, including women and children. In a voluminous report, the Jammu and Kashmir Lawyers' Association had listed the human rights violations, including acts of torture and rape, against the population.

35. In 1996, the Indian Government had organized sham elections in Jammu and Kashmir, which had led to a puppet regime being set up in Srinagar. During the elections, there had been one Indian soldier for every elector and, unsurprisingly, the Indian Government had refused to allow foreign observers to attend that masquerade. If the Indian Government was convinced that most of the people wanted Jammu and Kashmir to continue to be administered by India, why did it not, in conformity with the resolutions of the Security Council and under international supervision, organize a referendum on self-rule?

36. Pakistan was ready to pursue a serious dialogue with India on all questions of common interest, and welcomed the fact that the Ministers for Foreign Affairs of the two countries had met in March in New Delhi and decided to hold another meeting shortly in Islamabad. However, if the dialogue was to be fruitful, the Indian Government would have to cease violating human rights in Jammu and Kashmir, thereby paving the way towards a just and acceptable solution, namely, the organization of a referendum that would allow the people to exercise their right to self-determination.

37. Mr. WIRAJUDA (Indonesia), speaking on behalf of the member States of the Organization of the Islamic Conference (OIC), said that, in the face of the sharp increase in conflicts and poverty in many regions, the OIC remained determined - in accordance with the true spirit of Islam, especially its message of tolerance, justice, understanding, moderation, and respect for human rights and dignity - to work with the international community in addressing those challenges by seeking just, comprehensive and durable solutions on the basis of the principles enshrined in the United Nations Charter and of respect for international law.

38. With regard to Palestine, the OIC was extremely concerned at the acts of violence committed in recent weeks by the occupying Israeli authorities, resulting in hundreds of injuries and deaths among Palestinian civilians.

The deteriorating human rights situation in the occupied Palestinian territories risked endangering the peace process, which could be advanced only by diplomatic efforts.

39. For that reason the OIC called on the Commission to establish a strengthened procedure in which the Government of Israel would be compelled to cease its provocation and excessive use of force. The member States of the OIC also demanded the immediate and full cessation of the construction of the Jewish settlement in Jabal abu Ghneim in the occupied Palestinian territory and all other settlement activities, and further demanded that the authorities cease taking illegal measures in Jerusalem, so that the Middle East peace process could be resumed. Israel should also fully implement all the agreements signed, and also the resolutions of the United Nations, in particular Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), respect the commitments it had undertaken and accept the land-for-peace formula.

40. His delegation was gravely concerned at the persistent violations of human rights in Bosnia and Herzegovina, and in other parts of the territory of the former Yugoslavia, particularly those relating to the return of refugees and displaced persons to their homes and the de facto restrictions on freedom of movement. There were also reports of escalating acts of aggression - killings, illegal evictions, explosions and so forth - motivated by the victims' national origins.

41. While some progress had been made in the implementation of the Dayton Peace Agreement, extremely worrisome problems remained, such as the difficulties in arresting indicted war criminals and disbursing funds for reconstruction work. His delegation was also concerned at attempts to appease those responsible for acts of aggression, who were promoting the country's secession. That attitude was liable to undermine efforts at peace and reconciliation.

42. It was, therefore, extremely important that the Commission should draw a clear line between victims and aggressors. It must make it clear to all the parties concerned that to delay the reconstruction process in Bosnia and Herzegovina would punish both victims and aggressors and jeopardize efforts to promote respect for human rights. The international community should strengthen political and material support for the International Criminal Tribunal.

43. Mr. Somol (Czech Republic) resumed the Chair.

44. Mr. SELEBI (South Africa) said that his Government was aware of how much remained to be done for human rights, and especially economic and social rights, to become a reality for all South Africans, notwithstanding the progress made. He welcomed the recent progress towards peace, democratization and respect for human rights in such countries as Angola, Mozambique, El Salvador, Guatemala and Haiti.

45. He would deal with four themes that had a negative impact on human rights. The first concerned different levels of power within a country. Where one party to a conflict, usually the Government, had superior force

or power to others, human rights violations were not unusual. Israel was an example of what happened when there was an imbalance of forces: on the one hand, people demanded their freedom and, on the other, in the face of overwhelming international condemnation, the Government wished at all costs to establish a settlement in East Jerusalem, contrary to the spirit of the Oslo Accords. One could only note with sadness the deterioration of the peace process. South Africa had recently joined other member States of the Organization for African Unity (OAU) in urging Israel immediately to halt its confiscation of Palestinian territories and the construction of new settlements, as they were in violation of Security Council resolutions 242 (1967), 465 (1980) and 478 (1980) and could lead to the collapse of the peace process.

46. In Nigeria, much remained to be done in the field of human rights, although some positive steps had been taken. His Government welcomed the holding of local elections, although he regretted that not all opposition parties had participated. It was also concerned at reports of continuing violations of human rights, and called on the authorities to release all political prisoners and abide by their obligations under international human rights instruments.

47. On Myanmar, his delegation had noted with regret that the Special Rapporteur had still not been authorized to visit the country and was troubled by the restrictions placed on Aung Sang Suu Kyi and other leaders. It urged the Government to engage in a dialogue with all leaders of the opposition and to put an end to extrajudicial executions, torture and arbitrary arrests.

48. There were continuing reports from the Sudan of serious violations of human rights and fundamental freedoms (summary executions, detention without trial, forced displacement and torture). South Africa urged all the parties to the conflict to renew their efforts to reach a negotiated settlement.

49. The second area was official silence in the face of human rights violations. As it had done vis-à-vis the apartheid regime, the Commission should speak out whenever human rights violations occurred. That task could not be left to NGOs alone. Care must also be taken to avoid using cultural and religious differences as a pretext for violating the rights of others. His delegation was concerned at reports of serious violations of human rights in Afghanistan and called on all parties to respect the rights and freedoms of every individual, regardless of sex, ethnic origin or religion. Similarly, although the human rights situation in Cyprus had been on the Commission's agenda for many years, no action had been taken. The international community could not remain silent when a country had part of its sovereign territory under foreign occupation. It was essential that the relevant Security Council resolutions should be implemented.

50. The preceding observations were best illustrated by the conflict in the Great Lakes region. It was in part the silence of the international community that had led to the tragic events in Rwanda in 1994 and, more recently, in Burundi and Zaire. South Africa welcomed the commitment of the Government of Rwanda to protect human rights, as well as the role played by the United Nations Field Operation in that country. His Government, which had

learned with sadness of the deaths of five members of the Field Operation, urged that every effort should be made to ensure safe access for international observers and relief workers. It called on the Government of Burundi to do everything in its power to put an end to the human rights violations, especially those alleged to have been committed by the security forces, and to return to constitutional rule. It was currently endeavouring, with others, to promote a national dialogue in Burundi. It was also trying to contribute to finding a peaceful solution to the crisis in Zaire.

51. Thirdly, South Africa was alarmed by the increase in acts of terrorism throughout the world. It condemned such acts of violence against civilian populations. It was also concerned at the rise of State terrorism. It was vital that Governments should observe the rule of law, no matter how tempting it might be to resort to extrajudicial methods.

52. Given its history, South Africa was particularly sensitive to racism, manifestations of which continued throughout the world. He hoped that the reluctance of some States to hold a world conference on racism did not imply a desire to be silent about the horrors of racism. It was not enough merely to express outrage at blatantly racist incidents. Practical steps also needed to be defined in order to obliterate the more subtle forms of racism, such as those practised against migrants, minorities and foreigners. Budgetary considerations could never excuse silence or inaction on the part of the international community.

53. Mr. KRYLOV (Russian Federation) said that the end of the cold war and the emergence of new democracies had strengthened freedom all over the world. Nevertheless, human rights were still being violated in internal and international conflicts. In certain regions, isolationism and aggressive nationalism were spreading. On the eve of the fiftieth anniversary of the Universal Declaration of Human Rights, observance of those rights should be one of the centrepieces of a new conception of international security.

54. The belief of the Russian authorities in the equality and inalienability of human rights was now reflected in practice. For the first time in its history, Russia had democratically re-elected a Head of State. The presidential and parliamentary elections had been held on time and in accordance with electoral laws. A whole range of new Codes and legislation had been adopted to improve the system of civil control over the activities of State bodies.

55. Unfortunately, the reform process had been accompanied by declining production and delays in the payment of salaries, pensions and allowances. Citizens were therefore demanding that the Government honour its commitments to society.

56. Russia was harmonizing its legislation with the standards of the Council of Europe, which it had joined in 1996. It had signed the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter on Local Self-Government. Draft legislation guaranteeing the right to forward individual complaints to the European Commission on Human

Rights would be submitted to Parliament, and a decision would soon be taken on Russia's accession to the European Social Charter. New laws on religious freedom, freedom of assembly and alternative military service were under consideration. Since August 1996, Russia had adhered to a moratorium on capital punishment, and the Minister for Foreign Affairs had been authorized to sign Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty. However, major awareness-raising was needed to persuade Parliament and the public that the death penalty was not the most effective way of preventing serious criminal offences.

57. The crisis in Chechnya had proved a thorn in Russia's side. Hostilities had ceased in 1996, but problems remained. Negotiations were continuing and confidence was being built step by step, but could easily be destroyed; it could be dangerous to speed up the negotiations. The constant principle underlying Russian policy was that all internal structural problems should be settled in accordance with the Russian Constitution and only by peaceful means. During the crisis in Chechnya, the Russian Federation had cooperated closely with the United Nations High Commissioner for Human Rights and the special mechanisms of the Commission, and the Government felt that its efforts to settle the conflict had fully met all the concerns expressed in the Chairmen's statements to the fifty-first and fifty-second sessions of the Commission.

58. Despite the tensions of the current situation in the Middle East, Russia hoped that the search for mutually acceptable solutions within the framework of the Madrid Principles and all the agreements that had been reached would improve Arab-Israeli relations. His Government, which was a co-sponsor of the Middle East peace process, intended to make a very active contribution to it.

59. Nine years after the withdrawal of Soviet troops from Afghanistan, former Soviet servicemen were still in captivity there. There were constant provocations on the Afghan/Tajikistan border. In their joint statement of 4 October 1996, Russia, Kyrgyzstan, Tajikistan and Uzbekistan had stressed the threat of destabilization posed to the countries of the region by the Afghan war. The Russian authorities called on all parties to the conflict, and in particular the Taliban movement, to put an end to hostilities and work towards national reconciliation. The large-scale Taliban violence against civilians in northern Afghanistan gave cause for great concern. The Commission should seriously consider setting up a human rights operation in that country.

60. The elections of 14 September 1996 had led to a new stage in the Bosnian settlement. All parties should take advantage of the possibilities for peace created by the international community. At the present stage, the Commission should approach the remaining problems objectively. The special attention devoted by the international community to the Serbian problem had perhaps distracted its attention from the emergence of another crisis in the Balkans. That was a lesson to be learned for the future.

61. The cold war was over, but local wars were not. Despair and fear were the lot of the inhabitants of the Great Lakes region of Africa. Russia called upon all the parties involved to cease hostilities and engage in a serious political dialogue pursuant to the resolutions of the Security Council and the

decisions of the OAU summits. Even though Russia was thousands of miles away, it could not ignore events in the region, and the Government had decided to send 100 tonnes of humanitarian aid to Rwanda and Zaire. The human rights situation in Cyprus had been abnormal for many years. Progress would be impossible without an agreement by the parties to the conflict on the basic principles of a settlement.

62. Russia had always accepted that its acts should be subject to debate, and therefore sometimes found it difficult to understand why the behaviour of certain neighbouring States was not scrutinized as attentively as its own. For example, the fact that 700,000 Russian-speakers in Latvia and 300,000 in Estonia were deprived of many of their political, civil, economic and social rights, and particularly the right to leave their country and return to it, had been completely ignored. It was time to end the double standards. Those who accused Russia of political motivation when it discussed the fate of those persons could make the same criticism of the Human Rights Committee, which had recently expressed concern at their situation in its recommendations and conclusions on the question. It was naturally easier to talk about the imperialistic ambitions of the Russian Federation than to abolish discriminatory laws. How was it possible that those who said they had suffered from Soviet totalitarianism were now using the same methods in order to infringe the rights of minorities? There again, the principle of the universality of human rights was not being observed. In response to the statements by the representatives of Latvia and Estonia that the problem of discrimination against the Russian-speaking populations in their countries was an invention of his Government, he offered the example of Lithuania, which, unlike its neighbours, had resolved the problem of the legal status of ethnic Russians in 1991.

63. Mr. LINDGREN ALVES (Brazil) said that the international system for the protection of human rights comprised two elements: standards and monitoring mechanisms. Inaugurated by the Universal Declaration of Human Rights, standard-setting had prevailed within the United Nations until the 1970s. At that time it was primarily the developing countries of Africa, Asia and Latin America, inspired by feelings of solidarity with the peoples of southern Africa, that had provided the main impetus for the creation of monitoring mechanisms. Thanks to their action, the international community now had an imposing array of mechanisms, conventional and non-conventional, that monitored violations of human rights wherever they occurred. Non-conventional mechanisms - thematic rapporteurs, working groups and country rapporteurs - were the only instruments, besides the reports of treaty bodies, on which the Commission could rely to learn about and redress situations requiring the attention of the international community. They were thus essential elements for international cooperation in the field of human rights.

64. It was frequently alleged that the international system for the protection of human rights gave priority to monitoring instead of cooperation. That was probably true, but it could hardly be otherwise, since monitoring was often the first essential step towards cooperation. It had often been said that there was a divide between developed and developing countries in human rights matters, particularly in terms of monitoring. His delegation was not

of that opinion, particularly because the monitoring mechanisms had been set up thanks to the action of developing countries. The many accusations of partiality levelled against country rapporteurs were unwarranted.

65. His Government was certainly not naive enough to state that political aims never motivated the Commission's appointments of special rapporteurs. The special rapporteurs' conclusions sometimes displeased the Governments concerned, but it was not their task to please Governments. The human rights situation in many countries in different regions, including Central America, had been considered by special rapporteurs but, thanks to international assistance, those countries had been able to commit themselves to the path of democracy. The situation was now dramatic in the Great Lakes region of Africa, where the United Nations could and must play an essential role.

66. Having lived through a period of authoritarian rule, Brazilians knew the importance of international solidarity from their own experience. Solidarity could be expressed in many forms, one of them being frank identification of the problems noted. That was the task of the special rapporteurs, which should be assessed on its own merits.

67. Mr. HYNES (Canada) said that the Commission had two fundamental responsibilities: to develop human rights standards and institutional arrangements, and to find effective means of putting those standards and arrangements to work. Some people said that its methods were too confrontational and must be replaced by cooperation. However, while cooperation was the best way to address human rights problems, some sort of confrontation, which consisted in facing the facts about human rights violations, was indispensable to the Commission's work. Unfortunately, many Governments refused to face the facts or to engage in genuine cooperation with the international community.

68. In Burma, the unrelenting repression of the democracy movement and a new humanitarian crisis posed serious threats to security in the region. The State Law and Order Restoration Council (SLORC) rejected all overtures for dialogue with the Special Rapporteur and the Representative of the Secretary-General. In Iraq, the Government had taken no steps to end widespread human rights abuses and had refused all cooperation with the Commission's Rapporteur. In Iran, the human rights situation showed no sign of improvement, and cooperation with the Commission's Special Representative appeared stalled. The increased bounty on Salman Rushdie showed contempt for the international community.

69. In the Sudan, fresh fighting and indiscriminate bombings were causing grave suffering, while slavery, religious intolerance and discrimination against women went unaddressed. His delegation regretted that the Special Rapporteur had been forced to cut short his visit to that country. In Nigeria, the absence of representative government was undermining due process and the rule of law. Key recommendations of the United Nations fact-finding mission of 1996 went unimplemented, and despite direct involvement in the negotiations, the Government had not permitted the two rapporteurs to visit the country as agreed.

70. Some tried to explain human rights differences in terms of conflicting values. In his delegation's view, that debate was a polemical dead-end. People everywhere cherished both individual liberty and the values of community and sharing. Governments could not meet their human rights obligations by choosing from among different human values or between economic development and political freedom.

71. Canada welcomed China's achievements in improving living standards and its commitment to modernizing the legal system. However, it remained disturbed by continued intolerance of dissent and constraints on freedom of speech, association and religion. In Indonesia, there had been encouraging signs, such as the greater accountability of the security forces and prosecution of human rights violators, but there were still causes for concern. Canada was also dismayed by the deteriorating human rights conditions in East Timor and hoped the security authorities there would observe the greatest restraint. His Government was also aware of the problems faced by the new Pakistani Government and urged it to continue to combat religious intolerance.

72. His Government welcomed the intensified dialogue with Cuba on human rights and governance. However, it urged the Cuban Government to match its achievements on social and economic rights with a genuine opening on civil and political rights. It should also cooperate with the Special Rapporteur and the thematic rapporteurs.

73. The post-cold war era had seen a resurgence of internal conflicts, as for example in the Great Lakes region of Africa. Canada welcomed the Rwandan Government's cooperation with the human rights Field Operation in that country and its efforts to reintegrate the returning refugees. Nonetheless, it remained troubled by reports of severe human rights abuses, including murders and summary executions. It saluted the holding of the first genocide trials, but was concerned that the rights of the defendants had not received the necessary protection. His Government condemned the violence and terror directed against civilians in Burundi; it urged the parties to the conflict in Zaire to respect the rights of non-combatants and reach a peaceful solution through negotiation.

74. In the former Yugoslavia, there were unacceptable delays in bringing to justice persons indicted for war crimes. Respect for minority rights still needed to be strengthened and a greater effort was needed in order to effect broad democratic reforms.

75. In Afghanistan, the conflict continued and serious human rights violations persisted, while women endured unimagined repression. Canada called on the parties to the conflict to respect international human rights standards and cooperate with the United Nations Special Mission to Afghanistan in order to achieve a peaceful settlement. In India, the situation continued to improve, and violence in the Punjab had ended. However, Canada remained concerned about the situation in Kashmir.

76. His Government hoped the final peace agreement in Guatemala would lead to further improvement in the human rights situation and renewed its support for the work of the Mission for the Verification of Human Rights in Guatemala (MINUGUA) and the Independent Expert.

77. In some countries, guerrilla or paramilitary groups posed a real threat to internal stability and human rights. Such threats, however, did not absolve Governments of their responsibility to respect human rights. In Colombia, in the face of a deteriorating situation marked by extrajudicial killings, disappearances and impunity, the new United Nations Human Rights Office and the Government had much to accomplish; Canada urged the Government to dismantle the paramilitary groups and protect the civilian population from the guerrillas. Peru should persist in its efforts to strengthen democratic institutions and promote broader respect for human rights; Canada condemned the seizure by the Tupac Amaru Revolutionary Movement (MRTA) of the Lima residence of the Ambassador of Japan and urged all parties to seek a peaceful and rapid solution.

78. In Sri Lanka, violence against women and the increase in disappearances attributed to security forces had given rise to renewed concern. Canada condemned the human rights abuses committed by the Liberation Tigers of Tamil Eelam; however, those abuses did not justify violations by others. The Government should consider inviting special rapporteurs or working groups to visit the country. He welcomed the Turkish Government's decisions to shorten the maximum permissible period of detention without trial and to create a high-level human rights coordinating committee. Canada urged Turkey to respond to the requests for invitations by the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances.

79. No Government had a monopoly on moral high ground and no country was without its human rights problems. That was certainly true of Canada. In addition to addressing its problems through its own institutions, Canada was committed to ongoing cooperation with the Commission and intended to honour the obligation imposed by the Charter on States parties to promote "universal respect for, and observance of, human rights and fundamental freedoms for all".

80. Mr. ANTONIO FERNANDEZ (Cuba) said that, 36 years earlier, the Nicaraguan dictator Somoza had allowed mercenary brigade No. 2506, directed by the Central Intelligence Agency (CIA) and the Cuban-inspired counter-revolution, to leave Nicaraguan territory in order to attack Cuba. That attack had been a failure and constituted the first major defeat of American imperialism in the western hemisphere. The new Nicaraguan Government had now decided to renounce its sovereignty in order to carry out actions against Cuba by agreeing to include in its delegation an avowed terrorist from the Miami mafia.

81. Mr. PAGUAGA FERNANDEZ (Nicaragua), speaking on a point of order, asked the Chairman to request the delegation of Cuba to refrain from insulting members of the Nicaraguan delegation.

82. The CHAIRMAN invited the Cuban delegation to continue its statement, respecting the formalities required for the proper conduct of the Commission's work. All members of the Nicaraguan delegation had been accredited in accordance with the rules.

83. Mr. ANTONIO FERNANDEZ (Cuba) said that terrorism was a well-defined concept and he intended to exercise his right to reply to the statement just made by the Nicaraguan delegation, which was insulting for Cuba. If that delegation so desired, it could exercise its right of reply in turn.

84. The declared objective of the Nicaraguan statement had been to denounce the so-called violations of human rights in Cuba, but there was every indication that it was really a matter of avenging the notorious tyranny of Somoza. Throughout their history, the Nicaraguan and Cuban peoples had shown they had common aspirations and ideals; thousands of Cuban teachers, doctors and consultants had contributed to the reconstruction of Nicaragua following the fall of Somoza. That was why, when the Cuban people saw that the Nicaraguan people had been betrayed and had placed their confidence in a representative now allied with their enemies, they felt betrayed as well.

85. Once again, the consideration of agenda item 10 had given rise to confrontation rather than dialogue and cooperation. The arrogance of those who set themselves up as strict judges and believed that nothing that was done in the South could be considered praiseworthy or even appropriate was again apparent. However, the countries of the South had much experience in the struggle for human rights, which had been denied for centuries by an unjust international order. The struggle against colonialism had then been replaced by other priorities, such as the eradication of poverty, illiteracy, hunger and curable diseases - in short, by the struggle for the right to development. In practice, democracy and the rule of law would remain figments of the imagination until practical solutions were found to the real problems faced by the peoples of the South.

86. While efforts were being made to demonize certain countries, other countries were committing the most heinous atrocities with total impunity every day. Astonishing as that might seem, the reports of the Commission never mentioned human rights violations committed by the wealthy countries.

87. However, there was no shortage of human rights violations in the developed world. In the European Union, for example, there were more than 18 million unemployed and more than 300,000 prisoners, including political prisoners and prisoners of conscience. Those who presumed to give lessons in tolerance and pluralism did not hesitate to apply emergency measures whenever they felt that constitutional order and public security were in danger. At the same time, an almost institutionalized form of racism was emerging in Europe and increasingly discriminatory immigration laws were being enacted. His delegation acknowledged the efforts of the Japanese authorities to pass a law establishing a committee to investigate the practices of sexual slavery followed in the past. In Australia, the situation of the Aborigines and the Torres Strait Islanders remained a

matter of concern. In Canada, impressive economic development had not benefited the indigenous populations, who were at the very bottom of the social scale.

88. It was, however, not far from the shores of Cuba, in the United States, that the most flagrant violations of human rights and the most serious infringements of human dignity in a developed and wealthy country were to be found. The American dream remained a nightmare for vast sectors of the population, in particular the many millions of African-Americans, Latin Americans, Asians and indigenous Americans encountering injustice and discrimination, as well as the many millions of persons for whom the rights to food, housing, health and education were no more than dreams. An analysis of the recent presidential and legislative elections in the United States showed that the average budget of a candidate for Congress was $4.5 million. In those circumstances, what ordinary citizen could fulfil his political aspirations? In that country, indigenous peoples continued to be the victims of one of the greatest injustices of recent history. After having been nearly exterminated and expelled from their ancestral lands, they were now parked in so-called "reservations". The most revealing image of the real human rights situation in the United States was that provided by the legal and prison system. According to data from the United States Department of Justice, the rate of imprisonment for Blacks was six times higher than for Whites. If the trend continued, by the year 2021 an absolute majority of African-American men aged between 18 and 40 would be in prison or in rehabilitation camps. Such was the model that was being imposed as a universal paradigm for the observance of human rights. Unfortunately, that reality never received the slightest condemnation in the Commission or in the media of the developed countries.

89. The elimination of those violations and full respect for all human rights must be among the objectives of the United Nations. Cuba reaffirmed its support for the United Nations in that undertaking and hoped that human rights would be fully realized through dialogue and cooperation.

The meeting rose at 1.05 p.m.